

REMARKS

Claims 17-20, 23-26, 31-36 and 40-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,844,797 to *Johnson* in view of U.S. Patent No. 5,957,693 to *Panec*. Claims 28-30, 38 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Johnson* in view of *Panec* and further in view of U.S. Patent No. 5,651,678 to *Phillips*. In response, Applicant respectfully submits that the combination of *Johnson* with the other cited references do not establish a *prima facie* case of obviousness as to any of the pending claims 17-20, 23-26, 28-36 and 38-42. According to MPEP § 2142, three basic criteria must be met to establish a *prima facie* case of obviousness:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Applicant submits that no *prima facie* case of obviousness has been established as there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the *Johnson* reference or to combine the *Johnson* reference with *Panec* and/or *Phillips* as suggested in the *Office Action*.

Johnson is directed to a photograph album for a selected theme comprising pre-printed pictures or views and accompanying text "to provide the user with guidance and inspiration to take a corresponding series of photographs on the same theme" (Abstract). The user's photographs are substituted for the pre-printed pictures or views to provide "a structured album of photographs and appropriate accompanying text" (Abstract). In one embodiment, the photograph album is in the form of a guidebook appropriate to a geographic location, historic

building or the like, with spaces to receive photographs taken by the user. The stated purpose is to “provide a personalized yet organized record of the visit” while providing “additional interest for third parties viewing the album in the way that a disorganized collection of individual photographs will not” (col. 1, lines 13-26). Other embodiments include photograph albums for bird-watchers or naturalists with spaces provided for photographs of certain animal or bird species, or albums for special occasions or excursions (col. 2, lines 40-48). Thus, *Johnson* constitutes nonanalogous art in that *Johnson* is directed only to a method of creating structured, organized and personalized photograph albums for a selected theme. However, *Johnson* fails to include any teaching or suggestion whatsoever regarding any process by which a reader facilitates the reading skills of a pre-reader by obtaining a repetitive language kit according to independent claims 17, 31 and 42 from which all other pending claims depend.

With respect to the secondary references, *Panec* is directed to a method for promoting reading in a novice reader using a book that includes a story with two texts, one written at a reading level appropriate for a skilled reader and the other written at a lower reading level appropriate for the novice reader. Thus, the method disclosed by *Panec* promotes reading by using a traditional, pre-assembled, non-personalized book. *Phillips* teaches an educational aid and a method for using the system to teach students to read using sight-word vocabularies. The method relies on the student’s natural ability to recall information, such as simple songs, rhymes, and stories which are easily memorized (col. 5, lines 53-55). However, neither *Panec* nor *Phillips* includes any teaching or suggestion whatsoever regarding a process by which a reader facilitates the reading skills of a pre-reader by obtaining a repetitive language kit having a theme related to a planned shared experience between the reader and the pre-reader, the reader sharing an experience with the pre-reader, memorializing the shared experience through pictorial

representations, and constructing a personalized repetitive language book according to the elements of independent claims 17 and 42. Similarly, neither *Panec* nor *Phillips* includes any teaching or suggestion whatsoever regarding a process by which a reader facilitates the reading skills of a pre-reader comprising obtaining a repetitive language kit having a theme related to a planned experience for a pre-reader, memorializing an actual experience of the pre-reader, and constructing a personalized repetitive language book according to the elements of independent claims 31. Thus, while *Panec* and *Phillips* both disclose methods to facilitate teaching a pre-reader to read, these references fail to disclose a method comprising a pre-reader having a personal experience, memorializing that personal experience, and then constructing a personalized repetitive language book using pictorial representations or visual memorials of the personal experience.

Accordingly, Applicant respectfully submits that the combination of *Johnson* with *Panec* and/or *Phillips* fails to establish a *prima facie* case of obviousness as to any of the pending claims 17-20, 23-26, 28-36 and 38-42 at least because there is no suggestion or motivation to modify *Johnson*, or to combine these references, either within the references themselves, or in the knowledge generally available to one of ordinary skill in the art. In particular, *Johnson* is directed only to a method for creating structured, organized and personalized photograph albums for a selected theme, which has nothing to do with methods for teaching someone to read according to *Panec* and *Phillips*. Therefore, it would not have been obvious to modify the *Johnson* method of constructing a photograph album by including repetitive language for a pre-reader according to *Panec*, or by memorizing text on pages according to *Phillips*. Similarly, *Panec* is directed only to a method for promoting reading in a novice reader using a traditional, pre-assembled and non-personalized book, and *Phillips* is directed only to a method for teaching a student to read using sight-word vocabularies, neither of which has anything to do with

constructing a photograph album for a selected theme according to *Johnson*. Therefore, it would not have been obvious to modify the *Panec* or *Phillips* methods for teaching a person to read by incorporating elements from the *Johnson* method of constructing a photograph album. As such, Applicant submits that neither the references themselves, nor the knowledge generally available to one of ordinary skill in the art would suggest or provide motivation to combine elements of methods for constructing photograph albums as disclosed by *Johnson* with elements of methods for teaching someone to read as disclosed by *Panec* and/or *Phillips*.

For all of the foregoing reasons, Applicant respectfully submits that pending claims 17-20, 23-26, 28-36 and 38-42 are patentably distinguishable over the art of record and are therefore in condition for allowance.

CONCLUSION

Consideration of the foregoing remarks, reconsideration of the application, and withdrawal of the rejections and objections is respectfully requested by Applicant. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the *Office Action* dated October 27, 2006 has been fully addressed. If any fee is due as a result of the filing of this paper please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Plano, Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
CONLEY ROSE, P.C.

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Shannon Warren Bates
Shannon Warren Bates
Reg. No. 47,412

5700 Granite Parkway, Suite 330
Plano, Texas 75024
Telephone: (972) 731-2288
Facsimile: (972) 731-2289

ATTORNEYS FOR APPLICANTS